EXCAVATORS' GUIDE

INCLUDING DAMAGE TO UNDERGROUND UTILITY FACILITIES ACT AS AMENDED THROUGH 2024

REVISED MAY 2024

Blue Stakes of UTAH 811®

Bluestakes.org

Celebrating 50 Years

It's a FREE Service & It's the LAW!

Know what's below.
Call 811 before you dig.

GUIDELINES FOR SAFE DIGGING

Safe digging is a shared responsibility and Blue Stakes encourages everyone to follow the national campaign, 5 Steps To Safer Digging:

1) Always Contact 811 Before Digging

Contact 811 at least three (3) business days before digging and provide accurate dig site location information.

2) Wait the Required Amount of Time

Allow facility operators time to locate and mark facilities.

3) Confirm Markings are Accurate

Ensure facilities are located and marked accurately and completely. If not, submit a No Response Notice.

4) Respect and Protect the Marks

Respect and protect markings throughout the excavation.

5) Dig Carefully

Carefully dig using hand tools within the tolerance zone, 24 inches on either side of the markings.

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PREFACE

This excavation guide is an educational document for anyone who plans to excavate, dig, construct, or undertake any project that requires disturbing the earth's surface. Please use it as a reference tool when planning your excavation and when interacting with the notification center at Blue Stakes of Utah 811 (Blue Stakes). This guide reflects the policy of the Board of Directors at Blue Stakes. It does not have the force and effect of law. The governing law is Utah Code Title 54, Chapter 8a, Damage to Underground Utility Facilities.

Every effort has been made to accurately reproduce the applicable sections of Utah State Law contained in this guide. However, Blue Stakes, its officers, directors, employees, and agents make no representations or warranties as to the accuracy of this reproduction. This guide is not intended to alter the requirements of Utah Code Title 54, Chapter 8a, Damage to Underground Utility Facilities, or any local ordinance, and it should not be used as a legal reference document. Persons seeking interpretations of the law should contact their own attorneys.

The information in the first section of this guide is designed to help excavators who want to contact Blue Stakes; it is also intended to help facility operators who must respond to information provided to them by Blue Stakes. The middle section of this guide contains a reproduction of the Uniform Color Code and Marking Guidelines, published by the Common Ground Alliance. The last section of this guide contains a reproduction of the Utah State Law describing the rights of the

excavators and facility operators. While familiarity with this guide is recommended for all excavators and facility operators, their responsibilities are as provided by law.

This guide does not have a copyright. The contents of this guide are subject to change without notice. The latest version of this guide may be obtained here: bluestakes.org/excavators-guide/ or by contacting Blue Stakes for printed copies.

I. WHAT'S BURIED BELOW THE SURFACE OF THE GROUND

When you dig anything, from a posthole to a major excavation, you run the risk of damaging underground facility lines. Various types of facility lines including electric, gas, telephone, fiber optics, cable television, oil / petroleum, water, and sewer are buried everywhere. These facilities may be in streets, down alleys, under vacant ground, in farmland, along property boundaries, within railroad rights-of-way, over mountains, etc. Even the presence of overhead facility lines does not rule out the existence of buried power, cable television, or telephone facilities.

Excavators are liable for damage to underground facilities when they do not contact Blue Stakes for facility locations before excavating or when the excavator does not follow the proper procedures for safely excavating around buried facilities. Damages can also occur from improper backfilling around exposed facilities.

II. EDUCATIONAL OPPORTUNITIES

Blue Stakes offers a variety of online and in-person damage prevention educational opportunities:

- **Damage prevention educational classes** provided by Blue Stakes for your organization are tailored to fit your needs. To schedule a training class, contact education@bluestakes.org
- **Damage Prevention Seminars** are held in January and February each year throughout the state of Utah (CEU credit eligible) – visit bluestakes.org/events/
- **Excavation Safety 101** online training course is available to take at your convenience (CEU credit eligible) – visit bluestakes.org/education/
- **The 811 Process and other training videos** are available on our YouTube channel – visit bluestakes.org/videos/
- **Quick Ticket Entry app and training** is available online for additional functionality and high-volume users. Visit bluestakes.org/excavator/
- For **additional information and helpful resources** – visit bluestakes.org

III. DETERMINING WHO AND WHEN TO CONTACT

The Utah Damage to Underground Utility Facilities Act requires anyone engaging in any activity which displaces earth, rock, or other material on or below the ground is moved or displaced to notify Blue Stakes no less than 48 hours before excavation begins."48 hours" is defined as a 48-hour period, occurring during business days that includes any day except Saturday, Sunday, or a holiday, that begins at 8:00 a.m. on the first business day after notice has been submitted.

It is recommended to submit a locate request at least three (3) business days before excavation begins; but not more than 14 days before excavation begins.

If more than one excavator will be digging at the same excavation site, each excavator is required to notify Blue Stakes of the proposed excavation, as defined by Utah State Law.

Blue Stakes was created to provide one association for excavators and the public to notify member facility operators of intended excavation. Although the Utah State Law requires all facility operators with underground facilities to participate, some facility operators do not receive notice of excavation because they are not members of Blue Stakes. An electronic copy of the request can be provided to you, which includes the member facility operators notified for your excavation site. Blue Stakes encourages excavators to notify nonmember facility operators directly.

Blue Stakes should <u>NOT</u> be contacted for any of the following reasons:

- To report any type of service outage.
- To resolve any type of utility billing problem.
- To report any excavation outside the state of Utah.
- To request initiations of any type of utility service.
- To request any type of facility removal or relocation.

IV. HOURS OF OPERATION

Blue Stakes is open daily from 8:00 a.m. to 4:00 p.m. excluding Saturdays, Sundays, and these Holidays:

Closed Holidays Include:

- New Year's Day
- Presidents' Day
- Memorial Day
- Independence Day
- Pioneer Day (July 24th)
- Labor Day
- Thanksgiving Day
- Day After Thanksgiving
- Christmas Eve Day
- Christmas Day

Blue Stakes is open to process locate requests on the following Holidays, however, they will be treated as closed federal holidays in our system, therefore legal dates and times will be calculated accordingly:

Open Holidays Include:

- Martin Luther King Jr. Day
- Juneteenth Day
- Columbus Day
- Veterans Day

Many requests can be processed online outside of business hours, see Section VII. ONLINE LOCATE REQUEST NOTICES.

For After-Hours Emergencies, please see Section VI.

V. BLUE STAKES TELEPHONE NUMBERS

Blue Stakes can be reached at the following numbers during normal hours of operation:

- 811

811 SAFETY IS IN YOUR HANDS. EVERY DIG. EVERY TIME.

- (800) 662-4111 (Toll-Free)
- (801) 208-2100 (Salt Lake City)

VI. TYPES OF LOCATE REQUEST NOTICES

Blue Stakes handles several types of excavation notice requests. The following is a brief explanation of each:

A. REGULAR NOTICE (NEW) – Utah State Law requires at least three (3) business days' notice, but not more than 14 calendar days before the commencement of excavation.

B. UPDATE NOTICE (UPDT) – A locate request is valid for 21 calendar days from the date the request is submitted. If excavation activity will continue beyond this 21-calendar day period, an excavator must update the request at least three (3) business days but no sooner than seven (7) calendar days, before the original request's expiration date. The update notice will create a new expiration date that is 21-calendar days after the original request's expiration date. The excavator should continue to give notice in like manner for each 21-calendar day period during which excavation activity continues.

NOTE: According to Utah Code 54-8a-4(9), an excavator may be responsible for the costs incurred by an operator to remark its underground facilities following the second or subsequent notice given by an excavator at the same location. An excavator should not submit multiple notices for the same location before excavation activity has started or after excavation activity has been completed.

C. NO RESPONSE NOTICE (NRSP) – To facilitate safety and damage prevention, Utah State Law requires excavators to submit a No Response Notice on the current locate request if the excavator is aware of or observes indications of a facility that was not marked in the proposed excavation area before they may begin excavating. A No Response Notice should also be submitted if an unmarked underground facility is found or suspected during excavation. To ensure the proper member facility operators are notified an excavator must provide Blue Stakes which member facility operator(s) or facility type(s) have not responded to the current locate request. Blue Stakes will only send the notice to the indicated member facility operators. The notified member facility operators will be required to respond and/or mark their facilities within four (4) business hours of the No Response Notice.

D. EMERGENCY NOTICE (EMER) – An emergency is defined by Utah Code 54-8a-2(3) as, "an occurrence or suspected natural gas leak necessitating immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services." Excavators submitting locate requests as emergencies that do not meet the definition of an emergency as described above may be charged the cost of locating and marking underground facilities by facility operators.

Member facility operators will attempt to respond as soon as possible, to mark their facilities. However, if a facility operator does not respond within a reasonable time period and you cannot wait until the legal date and time as provided on your locate request, you may

be responsible for any damages caused if you proceed with the excavation.

AFTER-HOURS EMERGENCIES
Emergency notification on weekends, holidays, and on normal workdays after 4:00 p.m. or before 8:00 a.m. should be reported directly to facility operators. You may access their emergency contact information using the Utility Contact Lookup tool on the Blue Stakes website under the Tools section, or directly here: UCL.bluestakes.org

E. RE-MARK NOTICE (RMRK) – If the markings locating the underground facilities no longer identify the location of the facilities due to fading caused by time, weather, construction or other reasons, the person performing the excavation is required to notify Blue Stakes and suspend excavation of the site. Member facility operators are required to re-mark the area by 8 AM on the third business day after the re-notification.

F. MEET REQUEST NOTICE (MEET) – Most locate requests can be described over the phone or online. In situations where excavation projects are large, complicated or within a restricted area, a meet may be necessary. If a meet is requested, the excavator will need to provide address information for a suitable location to meet, as well as the general boundaries of the dig site. The specific excavation area(s) within these boundaries can then be shown and discussed with the field locators at the meet. A map of the excavation area may be required to be provided to each field locator at the meet.

A meet should only be set up when it is impossible to explain the project over the phone. Many times, what may seem to be a complicated project can be described easily if it is broken into several pieces and the excavation site is pre-marked using white paint, stakes, or flags. For example, instead of trying to describe a major project involving work on several different roads, a separate locate request can be created for each road, with each request describing the area specific to that particular road.

A meet should not be requested for multiple isolated locations, such as ground rod installation or tree planting in an existing neighborhood. Instead, separate locate requests should be created to break up the area street-to-street or by individual address.

If it is absolutely necessary to set up a meet, a Blue Stakes Locate Specialist can set up an appointment between 9:00 a.m. and 2:00 p.m. at least three (3) business days from the time of the call. The member facility operators have three (3) business days after the time of the meet to mark their facilities. They may request additional time if the area is extensive or difficult to mark. If any member facility operator is unable to attend the meet, it is the member facility operator's responsibility to contact the excavator to make other arrangements. The following procedures must be followed when requesting a meet:

- You must be present at the exact time and location given on the request. Member facility operators will only wait at the specified location for 15 minutes. If you do not show up at the requested time and place, your request will be

void. Unless otherwise noted on the Meet request, meeting sites are outside.

- You will be required to provide member facility operators with either a written description or a map of your excavation area with the exact excavation areas described or marked.
- Meets cannot cover several non-adjoining sites. In situations where there are several sites, a request must be made for each site.

G. PLANNING & DESIGN NOTICE – Blue Stakes does not process non-excavation locate requests for planning and design purposes. Blue Stakes will, however, provide planning and design contact information for member facility operators, which should be used to contact the facility operators directly. This information may be obtained in one of the following ways:

- Using the "Utility Contact Lookup" tool located on the Blue Stakes website at: UCL.bluestakes.org/
- Sending an email to: design@bluestakes.org which includes a brief description of the future excavation site.

VII. ONLINE LOCATE REQUEST NOTICES

Excavators may submit Blue Stakes locate request notices online, 24 hours a day, 7 days a week, 365 days a year. A brief explanation of these online options is listed below. For the most up to date online locate request options, please visit: bluestakes.org/excavator/.

A. CREATE NEW LOCATE REQUEST – New locate requests may be submitted online at ite.bluestakes.org/. The online application is designed for new submissions of simple, single address locate requests. Requests are processed during regular business hours in the order they are received. Once processed, a confirmation will be sent to the email address or text number provided. Locate requests submitted after 3 p.m. or outside of business hours may be processed the next business day. Meet and Emergency locate requests cannot be submitted through this online application. The locate request may be voided without notice if insufficient or conflicting information is provided. Do not assume that a request has been processed until the confirmation email/text has been received.

B. REVISE EXISTING LOCATE REQUEST – Revisions to existing locate requests can be submitted online at otr.bluestakes.org/. A revision is applicable to an existing locate request but does not change any of the information on it. Since nothing can change on the existing locate request, revisions submitted through this online application are processed immediately, even outside of regular business hours. This online application may be used for the following:

- **No Response Notice** – Notifies specified member facility operators to respond and/or mark their facilities within 4 business hours of notification when the excavator is aware of or observes indications of unmarked facilities within the excavation area described on their current locate request.
- **Update** – Extends dig time for another 21 calendar days. If the timeframe to update the locate request has passed, an option will be available to submit the same information as the original, but as a New locate request.

- **Re-Mark** – Refreshes markings that have been destroyed by weather or excavation. This does not extend dig time.
- **Cancel** – Cancels the locate request.
- **View** – Displays all locate request information, including marking instructions and legal dates.

For additional detail on No Response Notice, Update, and Re-Mark revision locate requests, please see section VI.

C. DUPLICATE LOCATE REQUEST – Duplicate locate requests may be submitted online at dup.bluestakes.org/. The online application is designed for creating a locate request in your name that is a copy of another excavator's locate request. For example, a subcontractor copying a general contractor's locate request or a contractor copying a homeowner's locate request. The locate request number and phone number listed on the original excavator's locate request is needed to process the duplicate request. Duplicates are processed immediately, even outside of regular business hours.

D. HIGH VOLUME OF LOCATE REQUESTS – Blue Stakes offers an online Quick Ticket Entry (QTE) application for excavators who submit a high volume of requests. This application requires an online user account and completion of self-paced online training. If you are interested in this online locate request entry option and to sign up for the training, go to: bluestakes.org/remote-access.

VIII. GUIDELINES FOR CONTACTING BLUE STAKES

Whether online or by phone, Blue Stakes is required to obtain specific information concerning locate requests.

Each question is important and provides member facility operators with the information needed to locate their facilities in a timely manner. Processing a locate request is easy if the excavator is prepared to answer all questions. Preparation is the key. Please visit bluestakes.org/how-it-works/ and ensure all necessary information is available before contacting Blue Stakes.

BLUE STAKES WILL NOT PROCESS THIRD PARTY LOCATE REQUESTS. Locate requests will be placed in the name of the caller or caller's company only. If someone other than the caller or caller's company, e.g. subcontractor is going to be performing the excavation, they also need to contact Blue Stakes and create a locate request in their name.

The following is a brief explanation of the information required:

LOCATE REQUEST INFORMATION

A. EXCAVATOR PHONE NUMBER – To enable Blue Stakes to easily access excavator information in its database using a phone number, please use the same phone number for you or your organization each time you request a locate. It is important that the number provided is a valid number where you can be reached by member facility operators in case additional information is required to complete the locate request.

B. COMPANY INFORMATION – Company name and mailing address of the excavator is recorded and stored in a database. This database may be used periodically by Blue Stakes and member facility operators to notify excavators.

C. NAME AND PHONE NUMBER – The telephone number of the excavator is taken in case member facility operators require additional information. Member facility operators may also contact the excavator to set up appointments for “mark and standby” locations to protect highly sensitive underground facilities, or to clear the area.

D. E-MAIL ADDRESS AND SMS TEXT NUMBER – When available, Blue Stakes provides e-mail and mobile text information to member facility operators as an alternate means of contacting the excavator to clear the dig request. The e-mail address and text number can also be used to send a copy of the request to the excavator.

E. FIELD CONTACT – When possible, please provide the name and phone number of a contact person familiar with the excavation site. This will assist member facility operators if further information is required before locating their facilities.

F. WORK TYPE – The law requires that excavators list the type of work being done. Please be specific. For example, “install sewer lateral” is more helpful than “install pipe.”

- TRENCHLESS – Information is taken to let member facility operators know if trenchless technology (e.g. directional boring) will be used to excavate under roads, driveways, sidewalks, etc.
- BLASTING – Information is taken to let member facility operators know if explosives will be used for excavation.

G. CITY / COUNTY – Blue Stakes accepts locate requests for the entire state of Utah. If the excavation is in an unincorporated county area,

please state that it is in the county along with the approximate mileage and direction from the closest city. It is important that the city and county information be correct to ensure that the proper member facility operators are notified.

H. EXCAVATION SITE ADDRESS – To ensure that all affected member facility operators can find the location of the dig site, Blue Stakes requires specific address information for identifying an excavation site. The given address must be posted.

The following are two examples of proper information when identifying the location of the excavation site:

- 6990 S Redwood Rd
- 621 to 653 S 2050 W

The best information is a street address. However, if a street address does not exist, the following information may also be used with directions to the dig site:

- Nearest address or intersection.
- Highway and milepost number.
- Freeway and exit number.

The following is an example of proper information when identifying the location of the excavation site without an address in a rural area:

- I-15 Exit 100 - From the southbound exit, travel west for 0.1 miles to the west frontage road. Then travel south for 0.75 miles. There is a white lathe with flagging on west side of road 20 ft. into property. Please mark a 10 ft. radius around this lathe.

Other information such as latitude / longitude coordinates and township, range, and section coordinates are helpful for requests in remote areas but cannot be accepted as the only form of address. See Section L below for information about latitude / longitude coordinates.

Because member facility operators vary from location to location, a separate locate request should be filed for each excavation site. Large areas can be covered by one request if the work is a continuous excavation, such as a long open trench. Long linear projects, such as road reconstruction, new pipelines, etc., should be split into separate locate requests at appropriate intervals, which will vary depending on the area where excavation is taking place.

I. SUBDIVISION / LOT NUMBER – In a new development, reference to subdivision, and lot number will help member facility operators identify the excavation area and prevent costly delays from shutdowns due to unmarked facilities. Please note, in a new development where addresses are not posted, it is the excavator's responsibility to post the address or lot number in a visible location. Subdivision and lot number cannot be given as the only form of address.

J. LOCATION AND MARKING INSTRUCTIONS – It is important to narrow the area to be located by member facility operators to the precise area of excavation. Many times, the entire lot will be called in when excavation is only being done on one side of the property. The excavator must be able to provide as accurately as possible the location of the proposed excavation. Footage and compass direction

from the intersecting streets, house numbers or landmarks are all essential in helping member facility operators find the excavation location. You may be able to further narrow the area to be located by pre-marking the excavation area with white paint, stakes, flags, or in another industry-accepted manner. Please pre-mark the area before notifying Blue Stakes.

NOTE: *Utah State Law requires excavators to pre-mark the area of proposed excavation with white paint, stakes, or flags if the area of proposed excavation cannot be described with reasonable specificity. This includes intermittent dig sites, such as potholing, sign, or pole installation, etc. Please do not request long stretches or large areas to be marked when excavation will only take place in a few specific locations. See Guidelines for Excavation Delineation under Section XIV. for more information.*

In identifying the excavation area, the following guidelines should be considered:

- Right and left should not be used since they are relative points of view.
- The area must have boundaries that are defined by footage and/or landmark. A request cannot say, “mark the shoulder of the road” or “mark the right-of-way.”
- Larger areas may need to be split into multiple requests, especially along roads. Longer stretches may be permitted on a single request in rural areas, whereas excavation within developed areas should normally not exceed two (2) blocks per locate request.

Many lots are very large and are, therefore, difficult to mark. Instead of requesting entire lot, list the specific area to be marked. The following are explanations of important terms used by Blue Stakes. These terms should be used to describe the specific area of excavation:

- **LOT / PROPERTY**: For Blue Stakes purposes, the front or frontage of the lot / property begins at the curb or edge of the road (pavement, oil, gravel, dirt, etc.) and extends into the property. For properties that have roads that border it on more than one side, each side begins at the curb or edge of the road and extends into the property that is bordered by a road. In most cases the rear and side boundaries of a property are apparent because of fences, landscaping, or other visual distinctions.

- **FRONT**: From the middle of the house / property forward to the curb / edge of the road. If the property is bordered by more than one road, the Front is only on the side bordered by the road that the property is addressed off of.

- **REAR:** From the middle of the house / property back to the rear property line.

- **SIDE:** From the middle of the house / property out to the side property line.

If marking instructions are requested for specific distances into the front / frontage of the property (or into another side of the property that also borders a road), those measurements will begin at the curb / edge of the road. For example, “Mark 20

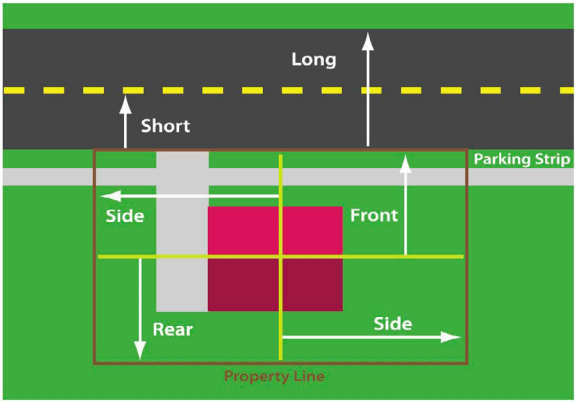
ft. into the front of the property". This will measure from the curb / edge of the road and extend 20 ft. into the property, independent of how far the front lot line sits back from the edge of the road.

Here are a few additional examples of area descriptions for marking:

- Mark the NW quarter of the property.
- Mark from the north lot line into property 20 ft.
- Mark a 20 ft. radius around the house.
- Mark entire park strip.

All requests must provide a description of the area to be marked. Instructions to mark specific member facility operators (e.g. "mark the gas line only") will not be accepted.

Additional information the excavator feels will be useful to member facility operators in fulfilling your locate request may also be added. For example, a description of the house, gate code, or information about availability by phone can also be noted.



Visit bluestakes.org/faqs/ for additional example diagrams of areas to be marked.

K. ROAD EXCAVATION – If excavation will take place in a road, marking instructions should include a specified distance or one of the following descriptions:

- **SHORT** – from the curb to the middle of the street.
- **LONG** – from curb to curb (edge of road to edge of road, not including the shoulder).
- **ENTIRE INTERSECTION** – intersecting areas of crossing roads.
- **SHORT / LONG, ENTIRE INTERSECTION WITH PROPERTY DESCRIPTION** – when excavation is proposed in both the street and the property, include side of road or both sides of the road and how far into the property you will be excavating rather than requesting entire front of property.

L. LATITUDE / LONGITUDE – Coordinates can be provided from a GPS unit in NAD83 or WGS84 format to identify a rural area or other location that does not have an address. The location must be pre-marked in the field and the excavator must also provide the township, range, section number, and approximate distance from an address, intersection, or highway mile marker. The excavator must be available to provide driving directions to a member facility operator if requested.

COMPLETED REQUEST DETAILS

LEGAL DATE / TIME – This is the exact time and date your locate request is valid. The excavator may begin excavating after all facility operators have responded. However, if any facility operators have failed to respond to the original request, an excavator is required to give a No Response Notice to Blue Stakes. Beginning work before the Legal Date / Time can result in forfeiture of the excavator's rights and protection provided for under the Damage to Underground Utility Facilities Act.

EXPIRATION DATE / TIME (GOOD THRU) – All requests expire at 8 AM on the 21st calendar day from the date the request is processed. After the locate request Expiration Date / Time you are no longer legally covered to dig.

UPDATE BY DATE / TIME – If excavation will last longer than 21 calendar days, the locate request must be updated before the Update By Date / Time as shown on the locate request and no sooner than seven (7) calendar days prior to the Expiration Date on the locate request. The Update By Date / Time is

three (3) business days before the Expiration Date / Time.

LOCATE REQUEST NUMBER – Each locate request will be assigned a reference number, which is called the Locate Request Assignment (LRA) or ticket number. This number should be used for future questions or problems associated with a locate request. Additionally, this number must be available on-site during all excavation to prove compliance with the state law requiring that you "call before you dig." Please note that a fee may be charged if the number is lost and Blue Stakes has to research the request.

MEMBER FACILITY OPERATORS NOTIFIED – A list of the member facility operators notified on the locate request will be provided if the excavator requests an email or text confirmation of the ticket. This information can also be provided over the

phone or viewed through other Blue Stakes online applications.

IX. WHAT HAPPENS AFTER THE REQUEST IS MADE

Based on the address and description provided by the excavator, a shape outlining the extent of the dig site is drawn using the Blue Stakes computer mapping system. Each member facility operator provides a shape for the mapping system outlining the extent of their underground facility network, or the coverage area for which they want to be notified about excavation activity. If the dig site shape overlaps a member facility operator's notification area shape, the Blue Stakes computer system will deliver the locate request notice to that member facility operator.

Each member facility operator that receives the locate request notice will analyze the address information and marking instructions, as specified by the excavator, to determine whether or not the excavation will conflict with their underground facilities.

If the excavation will not affect their lines, the member facility operator should notify the excavator that they have no underground facilities in the area. If the excavation will affect their underground facilities, the member facility operator will dispatch a field locator to locate and mark their underground facilities at the site. Each member facility operator is responsible to mark the underground facilities they own and maintain with paint, stakes and/or flags.

NOTE: In some cases, underground facilities belong to the owner of the property rather than to the facility operator. For example, the facility

operator may own the pipe / cable up to a meter at the edge of the property. The pipe / cable from the meter to the house may belong to the homeowner. Member facility operators are not responsible to mark underground facilities they do not own or maintain.

X. RESPONSIBILITIES OF THE FACILITY OPERATOR

By 8 AM on the third business day after receiving notice from an excavator of a proposed excavation, member facility operators are required by law to physically mark their underground facilities; notify the excavator that the area of excavation is clear of their underground facilities; or notify the excavator that extenuating circumstances exist that require additional time to mark their underground facilities.

GUIDELINES FOR MARKING OF UNDERGROUND FACILITIES

Utah law requires facility operators to mark their underground facilities using as a guideline the Uniform Color Code and Marking Guidelines, published by the Common Ground Alliance.
Refer to Section XIV. for these guidelines.

XI. RESPONSIBILITIES OF THE EXCAVATOR – AFTER CONTACTING BLUE STAKES

Many people believe that by notifying Blue Stakes of intended excavation they have completed all of their responsibilities with respect to the locating process. This is not the case. Notifying Blue Stakes is only the first step; there are several other responsibilities which need to be considered:

A. AVAILABILITY – Excavators need to be available to answer questions from facility operators about the excavation project. Provide correct contact information and return calls and messages promptly, especially on projects that are large or in a remote area.

B. SAFETY ZONE / TOLERANCE ZONE – After the markings have been made, excavators should maintain a minimum clearance within the Tolerance Zone which is: 24 inches on either side of the outside edge of the mark indicating a facility; a distance of one-half of the marked diameter plus 24 inches on either side of the designated center where a diameter of the facility has been marked; and 24 inches in each direction of the outside edge of a physically present above-ground facility.

If excavation is required within the Tolerance Zone horizontally of any marking or above-ground facility, the excavation should be performed with extreme care, utilizing hand tools or other methods designed to avoid damaging underground facilities, including vacuum excavation tool and air knife.

See Tolerance Zone under Section XIV. for more information.

C. EXPOSED / DAMAGED FACILITY – If, during the course of excavation, a facility has been exposed, it is the excavator's responsibility to inspect and support these facilities prior to backfilling. If damage of any kind is discovered or any suspicion of damage exists, it is the excavator's responsibility to immediately notify the facility operator directly.

Excavators are also responsible by Utah State Law to immediately call 911 if damage to any facility may result in an immediate risk to human life.

D. FACILITY MARKINGS – Many excavators mistakenly believe Blue Stakes is responsible for the actual locating and marking of facilities. This is not the case. Blue Stakes takes information from the excavator and relays it to member facility operators. Each member facility operator is responsible for ensuring that their underground facilities are properly marked.

When a specific member facility operator indicates that they have no underground facilities in conflict on a locate request, the excavator must realize that this does not mean that Blue Stakes has cleared the site, nor does it mean that other underground facilities are not at that location. Excavators are encouraged to not begin excavation until all underground facilities have been located and marked or they have been notified by each facility operator that they are clear. This should also include underground facilities operated by facility operators not participating with Blue Stakes.

The law requires a No Response Notice to be submitted if the excavator is aware of or observes indications of an unmarked facility. Excavators should plan their work to maintain the integrity of the markings.

NOTE: *According to Utah Code 54-8a-6(2)(b)(ii), an excavator is liable for damage incurred if the damage occurs within 24 inches of the physical presence of an above-ground facility, including a manhole, meter, or junction box whether marked or unmarked.*

XII. ELECTRONIC POSITIVE RESPONSE (EPR)

WHAT IS ELECTRONIC POSITIVE RESPONSE?

Electronic Positive Response (EPR) is a system that encourages and facilitates communication from member facility operators back to Blue Stakes of Utah 811 regarding the status of each locate request, which is then made available to excavators. Utah State Law already requires that all facility operators respond to every locate request they receive by either marking the requested site or notifying the excavator that the site is clear of their facilities. EPR is the tracking system where member facility operators can indicate how they responded to the locate request. Blue Stakes then publishes these responses with the locate request and makes it available online 24x7 to professional excavators and homeowners.

WHY UTILIZE ELECTRONIC POSITIVE RESPONSE?

The EPR system facilitates the communication loop between the excavator and the member facility operators. The electronic responses are for informational purposes to assist the excavator in completing their excavation project. Some of the benefits that the EPR system can help with include:

- Easily identify which member facility operators have responded to the locate request
- Reduce downtime, wasted time, and duplication of effort
- Reduce frustration and miscommunication
- Reduce No Response Notice (NRSP) requests and other unneeded ticket revisions
- Reduce damages

Blue Stakes highly encourages every member facility operator to actively participate in providing electronic responses, but please note that submission of these responses by facility operators in Utah is still voluntary.

HOW TO UTILIZE ELECTRONIC POSITIVE RESPONSE?

Blue Stakes has made it easy to use the EPR system to look up electronic positive response information on specific locate requests, as well as obtain general information about the EPR codes and descriptions.

To view responses simply go online to bluestakes.org/EPR/. EPR responses may also be accessed by using the View Ticket Info link at the bottom of the email ticket confirmation.

A Blue Stakes Locate Specialist can direct inquiries to the online site but should not be used to look up the EPR responses on locate requests.

An EPR Confirmation email will also be automatically sent to the excavator either when the legal start date / time arrives or sooner, if all member facility operators listed on the locate request have responded through EPR. This email will provide the excavator with the participating member facility responses to the request for marking.

The submission of these responses by facility operators in Utah is still voluntary. For the safety of all, please respect and protect the marks, excavate carefully within the Tolerance Zone and submit a No Response Notice if an excavator is aware of or observes indications of any unmarked underground facility.

XIII. REPORTING PROBLEMS

There are several problems that the excavator may encounter during the locating and marking process. Blue Stakes may assist in the resolution of these problems. The following are some of the more commonly experienced problems with a brief description of the proper channels to follow:

A. FAILURE TO MARK FACILITIES PRIOR TO START DATE – If the Legal date / time arrives and one or more member facility operators have failed to mark their facilities or notify you of no conflict, state law requires the excavator to submit a No Response Notice before commencing excavation.

B. CORRECTING ERRORS – At the time of your original request, please review the information for accuracy. If submitting a request over the phone, the Locate Specialist will verify all information given by the caller. Please listen carefully to this verification and make corrections as necessary. Blue Stakes verifies all information back to the caller to ensure all information recorded is correct. If the caller verifies incorrect information, the excavator is liable for any damages to unmarked underground facilities due to the incorrect information dispatched. Locate requests done online allow the excavator to fully verify and correct all information before submitting the request.

If, at any time, it is discovered that incorrect information was provided to Blue Stakes, the excavator should contact Blue Stakes as soon as possible, so we can assist you in making corrections. In most cases, a new request will be issued, and member facility operators will have three (3) business days from the time of the request to mark their

underground facilities. Corrections will only be accepted from the excavator or excavator's company that originated the ticket.

C. RESEARCHING LOCATE REQUESTS – Blue Stakes records all telephone conversations pertaining to locate requests and maintains a copy of the locate request information, including the call recordings, for five (5) years. Blue Stakes can be of assistance in providing copies of these records in the case of a dispute. In some cases, there may be a fee involved for record retrieval. Excavators and member facility operators also have access to online tools to research their own locate requests.

Blue Stakes has various methods of searching for these records including online ticket search, which can be utilized by excavators directly. The quickest method of obtaining a record is by referencing the locate request number assigned to the locate request. Records can also be found by using other information such as the date, the excavator, company, and the excavation location. The more information provided, the faster applicable records can be found.

For additional assistance, please email research@bluestakes.org

XIV. UNIFORM COLOR CODE AND MARKING GUIDELINES

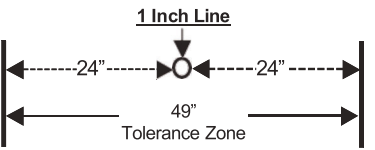
Uniform Color Code

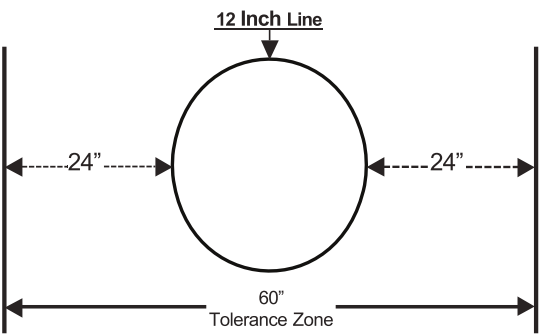
The following APWA uniform color code (ANSI Z535.1) shall be adopted as the uniform color code for marking excavation sites and underground facilities in conflict with an excavation. This recommendation is not intended to preempt any existing state requirement that specifies other colors.

White	..... Proposed Excavation
Pink	..... Temporary Survey Markings
Red	..... Electric Power Lines, Cables, Conduit, and Lighting Cables
Yellow	..... Gas, Oil, Steam, Petroleum, or Gaseous Materials
Orange	..... Communication, Alarm or Signal Lines, Cables, or Conduit
Blue	..... Potable Water
Purple	..... Reclaimed Water, Irrigation, and Slurry Lines
Green	..... Sewers and Drain Lines

TOLERANCE ZONE

The excavator observes a tolerance zone that is comprised of the width of the facility plus 24 in. on either side of the outside edge of the underground facility on a horizontal plane. The following examples are of tolerance zones for a 1 in. and 12 in. line.

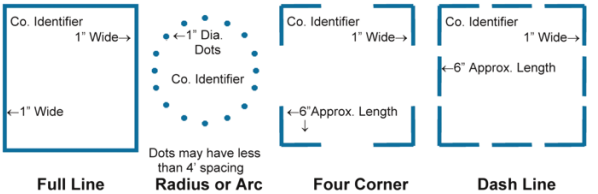




Guidelines for Excavation Delineation

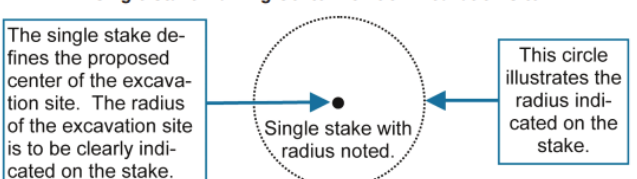
The following marking illustrations are examples of how excavators may choose to mark their area of proposed excavation. The use of white marking products (e.g. paint, flags, stakes, whiskers or a combination of these) may be used to identify the excavation site.

Single Point Excavations Markings



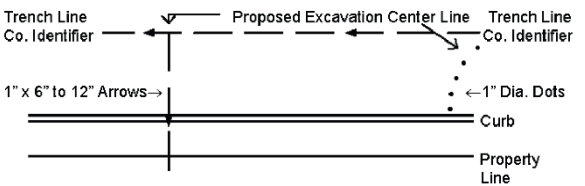
Delineate in white paint the proposed area of excavation using a continuous line, dots marking the radius or arcs, dashes marking the four corners of the project, or dashes outlining the excavation project. Limit the size of each dash to approximately 6 in. to 12 in. long and 1in. in wide with interval spacing approximately 4 ft. to 50 ft apart. Reduce the separation of excavation marks to a length that can reasonably be seen by the operator's locators when the terrain at an excavation site warrants. Dots of approximately 1 in. diameter typically are used to define arcs or radii and may be placed at closer intervals in lieu of dashes.

Single Stake Marking Center Point of Excavation Site


The single stake defines the proposed center of the excavation site. The radius of the excavation site is to be clearly indicated on the stake.
Single stake with radius noted.
This circle illustrates the radius indicated on the stake.

When an excavation site is contained within a 50 ft. maximum radius or less, it can be delineated with a single stake that is positioned at the proposed center of the excavation. If the excavator chooses this type of delineation, they must convey that they have delineated the excavation site with a single stake at the center of the excavation and include the radius of the site in the notification to the 811 Center. This single stake is white in color and displays the excavator's company identifier (name, abbreviations, or initials) and the radius of the excavation site in black letters on the stake or with a notice attached to the stake.

Trenching, Boring or Other Continuous-Type Excavations



Continuous Excavation Marking

Mark in white paint the proposed centerline of planned excavation using 6 in. to 12 in. x 1 in. arrows, approximately 4 ft. to 50 ft. apart to show direction of excavation. Reduce the separation of excavation marks to a length that can reasonably be seen by the operator's locators when the terrain at an excavation site warrants. Mark lateral excavations with occasional arrows showing excavation direction from centerline

with marks at curb or property line if crossed. Dots may be used for curves and closer interval marking.

Stake, Flag or Whisker Excavation Markers

Stakes, Flags or Whiskers Marking Four Corners

Stakes, Flags or Whiskers Marking Outline of Excavation

Delineate the proposed area of excavation using stakes, flags, or whiskers instead of spray paint to mark radius or arcs, the four corners of the project, or when outlining the excavation project. Limit the interval spacing to approximately 4 ft. to 50 ft. Reduce the separation of excavation marks to a length that can reasonably be seen by the operator's locators when the terrain at an excavation site warrants. Stakes, flags, or whiskers provided to illustrate arcs or radii may be places at closer intervals to define the arc or radius. Stakes, flags or whiskers are white in color and display the excavator's company identifier (name, abbreviations or initials).

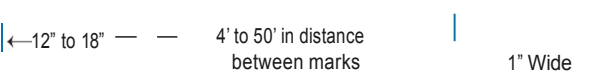
Guidelines for Operator's Facility Field Delineation

Operator markings of facilities include the following:

- The appropriate color for their facility type
- Their company identifier (name, initials or abbreviation) when other companies are using the same color
- The total number of facilities and the width of each facility
- A description of the facility (HP, FO, STL, etc).

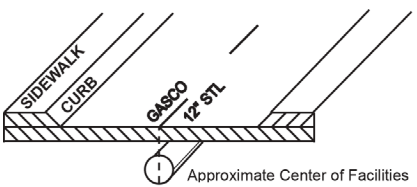
Use paint, flags, stakes, whiskers or a combination to identify the operator's facility(s) at or near an excavation site.

1. Marks in the appropriate color are approximately 12 in. to 18 in. long and 1 in. wide, spaced approximately 4 ft. to 50 ft. apart. When marking facilities, the operator considers the type of facility being located, the terrain of the land, the type of excavation being done, and the method required to adequately mark the facilities for the excavator.

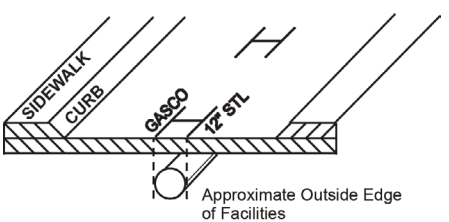


2. The following marking examples illustrate how an operator may choose to mark their subsurface installations:

   a. **Single Facility Marking**: Used to mark a single facility. This can be done in one of two ways – 1) placing the marks over the approximate center of the facility:



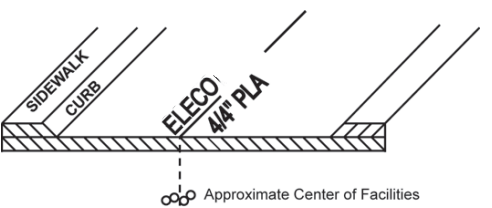
   or 2) placing the marks over the approximate outside edges of the facility with a line connecting the two horizontal lines (in the form of an H) to indicate there is only one facility.



These examples indicate an operator's 12 in. facility. When a facility can be located or toned separately from other facilities of the same type, it is marked as a single facility.

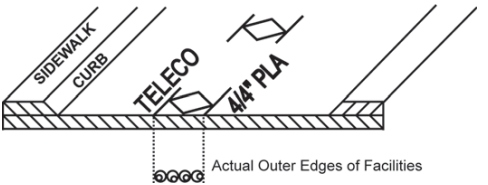
b. **Multiple Facility Marking:** Used to mark multiple facilities of the same type (e.g. electric), where the separation does not allow for a separate tone for each facility, but the number and width of the facilities is known. Marks are placed over the approximate center of the facilities and indicate the number and width of the facilities.

Example: four plastic facilities that are 4 in. in diameter (4/4" PLA)



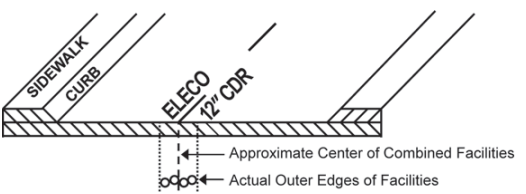
c. Conduit Marking: Used for any locatable facility being carried inside conduits or ducts. The marks indicating the outer extremities denote the actual located edges of the facilities being represented.

Example: four plastic conduits that are 4 in. in diameter (4/4"PLA), and the marks are 16 in. apart, indicating the actual left and right edges of the facilities.



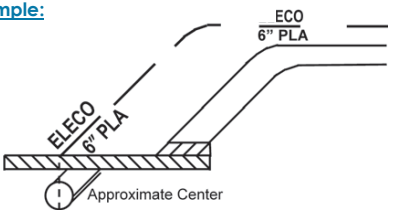
d. **Corridor Marking:** Used to mark multiple facilities of the same type (e.g. electric), bundled or intertwined in the same trench, where the total number of facilities is not readily known (operator has no record on file for the number of facilities). Marks are placed over the approximate center of the facilities and indicate the width of the corridor. The width of the corridor is the distance between the actual located outside edges of the combined facilities.

Example: a 12 in. corridor (12” CDR).

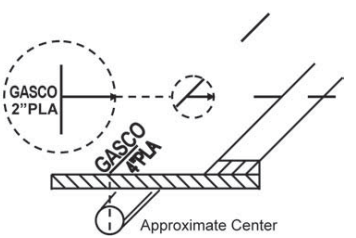


3. Changes in direction and lateral connections are clearly indicated at the point where the change in direction or connection occurs, with an arrow indicating the path of the facility. A radius is indicated with marks describing the arc. When providing offset markings (paint or stakes), show the direction of the facility and distance to the facility from the markings.

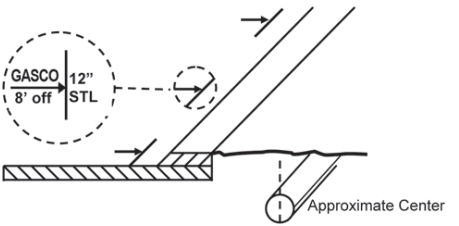
Radius Example:



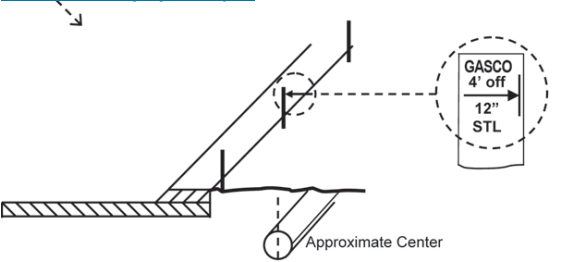
Lateral Connection Example:



Painted Offset (off) Example:



Staked Offset (off) Example:



4. An operator's identifier (name, abbreviation, or initials) is placed at the beginning and at the end of the proposed work. In addition, subsequent operations using the same color mark their company identifier at all points where their facility crosses another operator's facility using the same color. Reduce the separation of excavation marks to a length that can reasonably be seen by the operator's locators when the terrain at the excavation site warrants.
Examples:

CITYCO ELECO TELECO

5. Information regarding the size and composition of the facility is marked at an appropriate frequency.

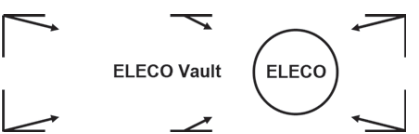
   Examples: the number of ducts in a multi-duct structure, width of a pipeline, and whether it is steel, plastic, cable, etc.

TELECO	GASCO	WATERCO
9/4″ PLA	4″ PLA	12″ STL

6. Facilities installed in a casing are identified as such.
   Examples: 6 in. plastic in 12 in. steel and fiber optic in 4 in. steel

GASCO	TELECO
6″PLA/12″STL	FO(4″STL)

7. Structures such as vaults, inlets and lift stations that are physically larger than obvious surface indications are marked so as to define the parameters of the structure.
   Example:



8. Termination points or dead ends are indicated as such.
   Example:

9. When there is “No Conflict” with the excavation, complete one or more of the following:

- Operators of a single type of facility (e.g.TELCO) mark the area “NO” followed by the appropriate company identifier in the matching APWA color code for that facility. **Example:** NO TELCO

- Operators of multiple facilities mark the area “NO” followed by the appropriate company identifier in the matching APWA color code for that facility with a slash and the abbreviation for the type of facility for which there is “No Conflict.”

  Example: NO GASCO/G/D illustrates that GASCO has no gas distribution facilities at this excavation site. The following abbreviations are used when appropriate: /G/D (gas distribution); /G/T (gas transmission); /E/D (electric distribution); /E/T (electric transmission).

- Place a clear plastic (translucent) flag that states “No Conflict” in lettering matching the APWA color code of the facility that is not in conflict. Include on the flag the operator’s identifier, phone number, a place to write the locate ticket number and date. Operators of multiple facilities indicate on the flag which facilities are in “No Conflict” with the excavation (see the previous example).

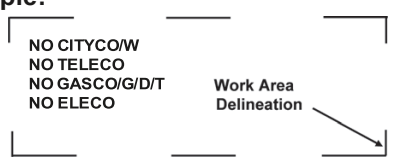
- If it can be determined through maps or records that the proposed excavation is obviously not in conflict with their facility, the locator or operator of the facility may notify the excavator of “No

Conflict" by phone, fax, or email, or through the 811 Center, where electronic positive response is used. Operators of multiple facilities indicate a "No Conflict" for each facility (see the previous example).

- Place "No Conflict" markings or flags in a location that can be observed by the excavator and/or notify the excavator by phone, fax, or email that there is "No Conflict" with your facilities. When the excavation is delineated by the use of white markings, place "No Conflict" markings or flags in or as near as practicable to the delineated area.

Caution - Allow adequate space for all facility mark-outs.
"No Conflict" indicates that the operator verifying the "No Conflict" has no facilities within the scope of the delineation; or when there is no delineation, there are no facilities within the work area as described on the locate ticket.

Example:



Color Code Identifiers

White	..... Proposed Excavation
Pink	..... Temporary Survey Markings
Red	..... Electric Power Lines, Cables, Conduit, and Lighting Cables
Yellow	..... Gas, Oil, Steam, Petroleum, or Gaseous Materials
Orange	..... Communication, Alarm or Signal Lines, Cables, or Conduit
Blue	..... Potable Water
Purple	..... Reclaimed Water, Irrigation, and Slurry Lines
Green	..... Sewers and Drain Lines

Common Abbreviations:

Facility Identifier

CH	Chemical
E	Electric
FO	Fiber Optic
G	Gas
LPG	Liquefied Petroleum Gas
PP	Petroleum Products
RR	Railroad Signal
S	Sewer
SD	Storm Drain
SS	Storm Sewer
SL	Street Lighting
STM	Steam
SP	Slurry System
TEL	Telephone
TS	Traffic Signal
TV	Television
W	Water
W	Reclaimed Water "Purple"

Underground Construction Descriptions

C	Conduit
CDR	Corridor
D	Distribution Facility
DB	Direct Buried
DE	Dead End
JT	Joint Trench
HP	High Pressure
HH	Hand Hole
MH	Manhole
PB	Pull Box
R	Radius
STR	Structure (vaults, junction boxes, inlets, lift stations)
T	Transmission Facility

Infrastructure Material

ABS	Acrylonitrile - Butadiene - Styrene
ACP	Asbestos Cement Pipe
CI	Cast Iron
CMC	Cement Mortar Coated
CML	Cement Mortar Lined
CPP	Corrugated Plastic Pipe
CMP	Corrugated Metal Pipe
CU	Copper
CWD	Creosote Wood Duct
HDPE	High Density Polyethylene
MTD	Multiple Tile Duct
PLA	Plastic (conduit or pipe)
RCB	Reinforced Concrete Box
RCP	Reinforced Concrete Pipe
RF	Reinforced Fiberglass
SCCP	Steel Cylinder Concrete Pipe
STL	Steel
VCP	Vertrified Clay Pipe

Guide for Abbreviation Use

Follow these guidelines when placing abbreviations in the field:

- Place the Company Identifier at the top or at the left of the abbreviations.
- Place the abbreviations in the following order: Company Identifier / Facility Identifier / Underground Construction Descriptions / Infrastructure Material

  Example: TELCO/TEL/FO/PLA indicates that TELCO has a telecommunication fiber optic line in a single plastic conduit. The use of the abbreviation /TEL is not necessary, because the orange marking would indicate that the facility was a communication line; but its use is optional.

- To omit one or more of the abbreviation types, use the order described above but omit the slash and abbreviation that does not apply.

  Example: to omit /TEL), the result would be TELCO/FO/PLA.

UTAH STATE LAW

XV. DAMAGE TO UNDERGROUND UTILITY FACILITIES ACT – AS AMENDED THROUGH 2024

54-8a-2. DEFINITIONS.

As used in this chapter:

(1) "Association" means two or more operators organized to receive notification of excavation activities in the state, as provided by section 54-8a-9.

(2) "Backfill" means soil or material that is approved for the soil or material's intended use and meets a project's plans and specifications.

(3) "Business hours" means the hours between 8:00 a.m. and 4:00 p.m. Monday through Friday, excluding holidays.

(4) "Board" means the Underground Facilities Damage Dispute Board created in Section 54-8a-13.

(5) "Electronic positive response system" means an automated information system, operated by the association, that allows excavators, locators, operators, and others to communicate the status of an excavation notice.

(6) "Emergency" means an occurrence or suspected natural gas leak necessitating immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.

(7) "Excavate" or "excavation" means an operation in which earth, rock, or other material on or below the ground is moved or displaced by tools, equipment, explosives, or demolition.

(8) "Excavation notice" means a communication that:
(a) has a location request assignment;
(b) provides notice of a person's intent to excavate in a specified location in the state; and
(c) meets the requirements of Section 54-8a-4

(9) “Excavator” means any person that excavates or conducts excavation activities.

(10)“48 hours” means a 48-hour period occurring during business days that includes any day except Saturday, Sunday, or a holiday, that begins at 8:00 a.m. on the first business day after notice has been submitted.

(11)“Hand tool” means an implement:
(a) powered by hand; or
(b) designed to avoid damaging an underground facility, including a vacuum excavation tool and air knife.

(12)"Holiday" means all legal holidays as defined in Section 63G-1-301, the Friday after Thanksgiving Day, December 24th, and any other association-observed holiday as posted in the association's excavator's guide.

(13)“Location” means the site of a proposed area of excavation described:
(a) (i) by street address, if available;
(ii) by the area at that street address to be excavated; and
(iii) as specified in Subsection 54-8a-4(3) or 54-8a-5(2)(b)(ii); or

(b) if there is no street address available, by the area of excavation using any available designations, including a nearby street or road, an intersection, GPS coordinates, or other generally accepted methods.

(14)“Location request assignment” means a number assigned to a proposed excavation by the association upon receiving an excavation notice.

(15)"Mark" means to locate and indicate the existence of a line or facility according to the guidelines published by the association in the association's current version of the excavator's guide.

(16)"Municipality" means the same as that term is defined in Section 10-1-104.

(17)"No response notice" means notice given by an excavator to the association that:

(a) describes indications of specific facilities or facility types;

(b) indicates that the facilities or facility types were not marked by the operator at the site of the proposed excavation; and

(c) is submitted after the excavator previously submitted an excavation notice regarding the site.

(18)(a) "Operator" means a person that owns, operates, or maintains an underground facility.

(b) “Operator” does not include an owner of real property where underground facilities are:

(i) located within:

(A) the owner’s property; or

(B) a public street adjacent to the owner's property, a right-of-way adjacent to the owner's property, or a public utility easement adjacent to the owner's property;

(ii) used exclusively to furnish services to the owner's property; and

(iii) maintained under the operation and control of that owner.

(19) "Person" includes:

(a) an individual, government entity, corporation, partnership, association, or company; and

(b) the trustee, receiver, assignee, and personal representative of a person listed in Subsection (19)(a).

(20) "Sewer lateral cleanout" means a point of access where a sewer lateral can be serviced.

(21) "Tolerance zone" means the area surrounding a facility that:

(a) for an underground facility that has the diameter of the facility marked, is the distance of one half of the marked diameter plus 24 inches on either side of the designated center;

(b) for an underground facility that does not have the diameter of the facility marked, is 24 inches on either side of the outside edge of the mark indicating a facility; or

(c) for an above ground facility, is 24 inches in each direction of the outside edge of the physically present facility.

(22) "24 hours" means a 24-hour period, excluding hours occurring during a Saturday, Sunday, or a holiday.

(23) “Underground facility” means personal property that is buried or placed below ground level for use in the storage or conveyance of any of the following:
(a) water;
(b) sewage, including sewer laterals;
(c) communications, including electronic, photonic, telephonic, or telegraphic communications;
(d) television, cable television, or other telecommunication signals, including transmission to subscribers of video or other programming;
(e) electric power;
(f) oil, gas, or other fluid and gaseous substances;
(g) steam;
(h) slurry; or
(i) dangerous materials or products.

54-8a-3.5. EXCAVATION-RELATED INFORMATION INCLUDED WITH CONSTRUCTION AND BUILDING PERMIT.

An entity issuing a permit for building or construction that may require excavation may, and is encouraged to, include a notice on or with a permit stating, “Attention, Utah law requires any excavator to notify the owner of underground facilities 48 hours before excavating and comply with Utah Code Title 54, Chapter 8a, Damage to Underground Utility Facilities.”

54-8a-4. NOTICE OF EXCAVATION.

(1) (a) Before excavating, an excavator shall notify each operator with an underground facility in the area of the proposed excavation.

(b) The requirements of Subsection (1)(a) do not apply:

(i) if there is an emergency;

(ii) while gardening; or

(iii) while tilling private ground.

(2) The notice required by Subsection (1) shall:

(a) be given:

(i) by telephone;

(ii) by electric communication; or

(iii) by other means acceptable to the association;

(b) be given not:

(i) less than 48 hours before excavation begins; or

(ii) more than 14 days before excavation begins; and

(c) include the proposed excavation's anticipated:

(i) location, with reasonable specificity;

(ii) dimensions; and

(iii) type.

(3) If the proposed excavation's anticipated location and dimensions cannot be described as required under Subsection (2)(c) or as requested in accordance with Subsection 54-8a-5(2)(b), an excavator shall outline the proposed excavation

site using as a guideline the then-existing Uniform Color Code and Marking Guidelines, Appendix B, published by the Common Ground Alliance, as amended in the current version of the excavators' guide published by the statewide association established in Section 54-8a-9.

(4) If more than one excavator will operate at the same excavation site, each excavator shall provide the notice required by this section.

(5) Notice provided to the association constitutes notice to each operator that has facilities within proposed excavation site.

(6) (a) Notice given under this section is valid for 21 days from the day on which the notice is given.

(b) If an excavation will continue beyond the 21-day period under Subsection (6)(a), the excavator shall provide notice of that fact at least 48 hours, but no sooner than seven calendar days, before expiration of the 21-day period.

(c) A notice under Subsection (6)(b) is valid for 21 days from the day on which the previous notice expires.

(d) An excavator shall give notice as provided in this Subsection (6) for the duration of the excavation.

(7) (a) An excavator shall confirm before excavation that:

(i) operators that utilize electronic positive response have responded through the association's electronic positive response system; and

(ii) (A) all facilities that may be affected by the proposed excavation have been marked;

(B) the operators have indicated that there are no underground facilities within the proposed excavation site; or

(C) the operators have not requested a meeting under Subsection 54-8a-5(2).

(b) If an operator has not marked a facility or responded within 48 hours of the initial excavation notice:

(i) the excavator may not begin excavation if the excavator is aware of or observes indications of a facility that was not marked at the proposed excavation area until:

(A) the excavator has given a no response notice; and

(B) the operator makes arrangements for the facility to be marked by the operator; or

(ii) the excavator may begin excavation if there are no visible indications of a facility within the proposed excavation area.

(c) Within four business hours of the association receiving a no response notice, an operator shall mark the facilities or make arrangements for the facilities to be marked.

(8) If markings made by the operator have been disturbed so that the markings no longer identify the underground facility:

(a) before excavating the site an excavator shall notify:

(i) the association; or

(ii) each operator; and

(b) the operator shall mark the area again within

48 hours of the notification provided by the excavator under Subsection (8)(a).

(9) Unless an operator remarks an area pursuant to Subsection (8), the excavator shall be responsible for the costs incurred by an operator to remark its underground facilities following the second or subsequent notice given by an excavator for a proposed excavation.

54-8a-5. MARKING OF UNDERGROUND FACILITIES.

(1) Within 48 hours of the receipt of the notice required by Section 54-8a-4, the operator shall:

(a) (i) mark the location of the operator's underground facilities in the area of the proposed excavation; or

(ii) notify the excavator, by telephonic or electronic message or indication at the excavation site, that the operator does not have any underground facility in the area of the proposed excavation; and

(b) if the operator utilizes the association's electronic positive response system, provide a response to the association's electronic positive response system to indicate whether the operator can provide the information described in Subsection (1)(a)(i).

(2) (a) The operator is not required to mark the underground facilities within 48 hours if:

(i) the proposed excavation:

(A) is not identified in accordance with Subsection 54-8a-4(2) or is not marked as provided in Subsection 54-8a-4(3);

(B) is located in a remote area;

(C) is an extensive excavation; or

(D) presents other constraints that make it unreasonably difficult for the operator to comply with the marking requirements of this section; or

(ii) the operator is not able to readily locate the underground facilities from the surface with standard underground detection devices.

(b) If the operator cannot proceed with the marking because of a situation described in Subsection (2)(a), the operator shall contact the excavator within 48 hours after the excavation notice and:

(i) request a meeting at the proposed excavation site or some other mutually agreed upon location; or

(ii) at the operator's discretion, contact the excavator and request the proposed excavation site be outlined in accordance with Subsection 54-8a-4(3).

(c) For a situation described under Subsection (2)(a)(i), the meeting or completed outlining of the proposed excavation site constitutes the beginning of a new 48-hour period within which the operator shall begin marking the underground facilities.

(d) (i) For the situation described under Subsection (2)(a)(ii), the excavator and operator shall agree on a plan of excavation designed to prevent damage to the operator's underground facility.

(ii) Notwithstanding the agreement, the excavator shall proceed in a manner that is reasonably calculated to avoid damage to the underground facility.

(e) (i) An operator need not mark an underground facility the operator does not own.

(ii) An underground facility under Subsection (2)(e)(i) includes a water or sewer lateral or a facility running from a house to a garage or outbuilding.

(f) (i) An operator may mark the location of a known facility connected to the operator's facilities that is not owned or operated by the operator.

(ii) Marking a known facility under Subsection (2)(f)(i) imposes no liability on the operator for the accuracy of the marking.

(3) Each marking is valid for not more than 21 calendar days from the date notice is given.

(4) If multiple lines exist:

(a) the markings must indicate the number of lines; or

(b) all lines must be marked.

54-8a-5.5. DETERMINING THE PRECISE LOCATION OF MARKED UNDERGROUND FACILITIES.

(1) An excavator may not use any power-operated or power-driven excavating or boring equipment within the tolerance zone unless:

(a) the excavator determines the exact location of the underground facility by excavating with hand tools to confirm that the excavation will not damage the underground facilities; or

(b) the operator provides an excavator with written or electronic notice waiving the

requirement that the excavator determine the exact location of the underground facilities by excavating with hand tools.

(2) Power-operated or power-driven excavating or boring equipment may be used for the removal of any existing pavement if there is no underground facility contained in the pavement, as marked by the operator.

54-8a-5.8. EXCAVATOR ACCESS.

An excavator may enter or access an owner's property or dwelling to locate a sewer lateral with the owner's permission.

54-8a-6. DUTIES AND LIABILITIES OF AN EXCAVATOR.

(1) Damage to an underground facility by an excavator who excavates but fails to comply with Section 54-8a-4, is prima facie evidence that the excavator is liable for any damage caused by the negligence of that excavator.

(2) (a) An excavator is not liable for a civil penalty under this chapter if the excavator has:
   (i) given proper notice of the proposed excavation as required in this chapter;
   (ii) marked the area of the proposed excavation as required in Section 54-8a-4;
   (iii) complied with Section 54-8a-5.5; and
   (iv) complied with Section 54-8a-7.

   (b) An excavator is liable for damage incurred by an operator if:
   (i) the operator complies with Section 54-8a-5; and
   (ii) the damage occurs within the tolerance zone.

54-8a-7. NOTICE OF contact or damage – REPAIRS.

(1) An excavator performing an excavation that results in contact or damage to a facility shall:
   (a) provide notice of the contact or damage including the location and nature of any damage immediately to the operator;
   (b) allow the operator reasonable time when considering the safety of the area, and the availability of materials, labor, or equipment, to make or coordinate necessary repairs before completing the excavation in the immediate area of the facility; and
   (c) delay any backfilling in the immediate area of the contacted or damaged facility until the operator authorizes the excavator to resume backfilling.

(2) After receiving notification of contact or damage to a facility, the operator, or qualified personnel authorized by the operator, shall:
   (a) expedite a response to examine the contacted or damaged facility; and
   (b) make or coordinate necessary repairs to the contacted or damaged facility within eight business hours or notify the excavator that the repairs will take longer than eight business hours due to safety or availability of materials, labor, or equipment.

(3) An excavator that is responsible for an excavation where any contact or damage to a facility results in the discharge of electricity or escape of any flammable, toxic, or corrosive gas or liquid, or that endangers life, health, or property shall:
   (i) immediately notify:

(A) emergency responders, including 911 services; and
(B) the facility operator; and
(ii) take reasonable measures to protect the excavator, other persons, property, and the environment until the operator or emergency responders arrive.

54-8a-7.5. THIRD-PARTY DAMAGES CAUSED BY FAILURE TO mark a facility.

(1) If an operator fails to mark a facility as required by this chapter and an excavator damages another operator's facility of a similar size and appearance that fits surface markings, the operator who failed to mark the operator's own facility is liable for the costs of damage to the facility caused by the excavator if:
   (a) the excavator complies with Sections 54-8a-4, 54-8a-5.5, and 54-8a-6; and
   (b) the excavator demonstrates that the damage is the direct result of the operator's failure to mark the operator's own facility.

(2) An excavator who damages a third-party operator's facility as described in Subsection (1):
   (a) shall pay for the costs of repairing the damaged facility; and
   (b) may seek recovery of the costs of damage from the operator that failed to mark the operator's own facility.

(3) Resolution of a dispute under this section may be in accordance with Section 54-8a-13.

54-8a-8. CIVIL PENALTY -- EXCEPTIONS -- OTHER REMEDIES.

(1) A civil penalty may be imposed for a violation of this chapter as provided in this section.
(2) A civil penalty under this section may be imposed on:
  (a) any person that violates this chapter in an amount no greater than $5,000 for each violation with a maximum civil penalty of $100,000 per excavation; or
  (b) an excavator that fails to provide notice of an excavation in accordance with Section 54-8a-4 in an amount no greater than $500 in addition to the amount under Subsection (2)(a), regardless of whether the excavation resulted in damage to a facility.
(3) Notwithstanding Subsection (2)(a), a penalty under this chapter may not be imposed on an excavator or operator unless the excavator or operator fails to comply with this chapter and damages an underground facility.
(4) The amount of a civil penalty under this section shall be made taking into consideration the following:
  (a) the excavator's or operator's history of any prior violation or penalty;
  (b) the seriousness of the violation;
  (c) any discharge or pollution resulting from the damage;
  (d) the hazard to the health or safety of the public;
  (e) the degree of culpability and willfulness of the violation;
  (f) any good faith of the excavator or operator; and
  (g) any other factor considered relevant, including the number of past excavations conducted by the excavator, the number of location requests made by the excavator

and the number of location markings made for the excavator or by the operator.

(5) "Good faith," as used in Subsection (4)(f), includes actions taken before the filing of an action for civil penalty under this section to:
   (a) remedy, in whole or in part, a violation of this chapter; or
   (b) mitigate the consequences and damages resulting from a violation of this chapter.

(6) (a) A civil penalty may not be imposed on an excavator if the damage to an underground facility results from an operator's:
      (i) failure to mark;
      (ii) inaccurate marking or locating of the operator's underground facilities; or
      (iii) failure to comply with Section 54-8a-5.
   (b) In addition to or in lieu of part of or all of a civil penalty, the excavator or operator may be required to undertake actions that are designed to prevent future violations of this chapter, including attending safety and compliance training, improving internal monitoring and compliance processes and procedures, or any other action that may result in compliance with this chapter.

(7) Subsection (1) does not apply to an excavation made:
   (a) during an emergency, if reasonable precautions are taken to protect any underground facility;
   (b) in agricultural operations;
   (c) for the purpose of finding or extracting natural resources; or
   (d) with hand tools on property owned or

occupied by the excavator.

(8) (a) A civil penalty under this section is in addition to any damages that an operator or an excavator may seek to recover.

(b) In an action brought under this section, the prevailing party shall be awarded its costs and attorney fees as determined by the court.

54-8a-9. ASSOCIATION FOR MUTUAL RECEIPT OF EXCAVATION notices.

(1) (a) (i) Two or more operators may form and operate a statewide association providing for mutual receipt of notice of excavation activities.

(ii) When an association is operational, notice to the association shall be given pursuant to Section 54-8a-4.

(b) (i) When an association is formed, each operator with an underground facility in the state shall become a member of the association and participate in it to:

(A) receive an excavation notice submitted to the association;

(B) receive the services furnished by it;

(C) pay its share of the cost for the service furnished ; and

(D) provide electronic positive response information to the association's electronic positive response system, if the system is utilized by the operator.

(ii) If an operator does not comply with Subsection (1)(b)(i) and Section 54-8a-5, the operator is liable for damages

incurred by an excavator who complies with this chapter's requirements.

(2) The association's notification center shall:
   (a) notify members and participants in the relevant geographic area within 24 hours after receiving an excavation notice ;
   (b) maintain a record of any notice received for a period of five years to document compliance with the requirements of this chapter; and
   (c) implement and operate a statewide electronic positive response system.

(3) The association and its notification center shall not be responsible for:
   (a) resolving reports of alleged violations of this chapter; or
   (b) a failure on the part of an excavator or operator to perform an excavator's or operator's responsibilities under this chapter.

(4) An association contacted by a public agency to identify a utility company, in accordance with Section 54-3-29, shall provide the public agency with a list, including contact information to the extent available, of each utility company of which the association is aware that has a utility facility within the area identified by the public agency.

54-8a-9.5. INSPECTION OF RECORDS.

The books and records of an association shall be open to inspection by its members during normal business hours upon 48 hours advance notice.

54-8a-10. INSTALLATION OF NONMETALLIC FACILITIES.

Any operator installing a nonmetallic facility, such as a sewer, water, or fiber optic line, shall install the nonmetallic

facility so that it can be located with standard underground facility detection devices or in a concrete conduit system.

54-8a-10.5. INSTALLATION AND LOCATION OF SEWER LATERAL CLEANOUTS - RECORDS.

(1) (a) An operator or person installing or replacing a sewer lateral cleanout beginning August 1, 2009 shall install or replace the sewer lateral cleanout in a manner so that the lateral can be located, including:
(i) house sheets; or
(ii) electronic markers.
(b) An operator or person installing a sewer lateral cleanout shall notify the sewer operator of the sewer lateral cleanout location for record keeping purposes.

(2) Beginning on August 1, 2009, a sewer operator shall maintain records identifying where all new, replaced, or contractor-identified sewer lateral cleanouts are located within the sewer operator's jurisdiction.

(3) (a) A sewer operator shall provide to an excavator information in the sewer operator's possession pertaining to a sewer lateral cleanout location within the sewer operator's jurisdiction.
(b) The sewer operator shall provide the information within 48 hours of the excavator's request.

54-8a-11. APPLICABILITY OF FEDERAL LAW.

The following persons are subject to the provisions of Title 49, Code of Federal Regulations, Part 198, Regulations for Grants to Aid State Pipeline Safety Programs, including those provisions relating to damage to underground facilities:

(1) an operator, to the extent subject to the Pipeline Safety Improvement Act of 2002, 49 U.S.C. 60101 et seq.;
(2) an excavator; and
(3) the association.

54-8a-12. ENFORCEMENT - ATTORNEY GENERAL.

(1) (a) The attorney general may bring an action in the district court located in the county in which the excavation is located to enforce this chapter.
(b) The right of any person to bring a civil action for damage arising from an excavator's or operator's actions or conduct relating to underground facilities is not affected by:
(i) a proceeding commenced by the attorney general under this chapter; or
(ii) the imposition of a civil penalty under this chapter.
(c) If the attorney general does not bring an action under Subsection (1)(a), the operator or excavator may pursue any remedy, including a civil penalty.
(2) Any civil penalty imposed and collected under this chapter shall be deposited into the General Fund.

54-8a-13. UNDERGROUND FACILITIES DAMAGE DISPUTE BOARD - ARBITRATION - RELATIONSHIP WITH PUBLIC SERVICE COMMISSION.

(1) There is created within the comission the Underground Facilities Damage Dispute Board to arbitrate, or parties may mutually agree to mediate, a dispute arising from:
(a) an operator's or excavator's violation of this

chapter; and

(b) damage caused by excavation during an emergency.

(2) The board consists of five members appointed by the governor as follows:

(a) one member from a list of names provided to the governor by a group representing operators;

(b) one member from a list of names provided to the governor by the Associated General Contractors;

(c) one member from a list of names provided to the governor by Blue Stakes of Utah;

(d) one member from a list of names provided to the governor by the Utah Home Builders Association; and

(e) one member from the Division of Public Utilities.

(3) (a) A member of the board:

(i) shall be appointed for a three-year term; and

(ii) may continue to serve until the member's successor takes office.

(b) At the time of appointment, the governor shall stagger the terms of the members to ensure that approximately 1/3 of the members of the board are reappointed each year.

(c) A vacancy in the board shall be filled:

(i) for the unexpired term; and

(ii) in the same manner as the board member is initially appointed.

(d) The board shall select an alternate for a specific board member to serve on a specific case if it becomes necessary to replace a member who has a conflict of interest because a dispute involves that member or that member's employer.

(4) Three members of the board constitute a quorum.

(5) The board may, upon agreement of the disputing parties, arbitrate or mediate a dispute regarding damages, not including personal injury damages, arising between:
   (a) an operator;
   (b) an excavator;
   (c) a property owner; or
   (d) any other interested party.
(6) At least four members of the board shall be present and vote on an arbitration decision.
(7) An arbitration before the board shall be consistent with Title 78B, Chapter 11, Utah Uniform Arbitration Act.
(8) The prevailing party in an arbitration conducted under this section shall be awarded its costs and attorney fees in an amount determined by the board.
(9) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
   (a) Section 63A-3-106;
   (b) Section 63A-3-107; and
   (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
(10) The commission shall provide administrative support to the board.

XVI. UTAH STATE LAW – ADDITIONAL TITLE 54 SECTIONS TO NOTE:

A. 54-3-27. PUBLIC UTILITY EASEMENT.

(1) As used in this section:
   (a) "Protected utility easement" means a recorded easement or right-of-way:

(i) for the use and installation of a utility facility; and

(ii) the ownership of which a gas corporation, electric corporation, or telephone corporation acquires and holds by any lawful means.

(b) "Public utility easement" means the area on a recorded plat map or other recorded document that is dedicated to the use and installation of public utility facilities.

(2) (a) A public utility easement provides a public utility with:

(i) the right to install, maintain, operate, repair, remove, replace, or relocate public utility facilities; and

(ii) the rights of ingress and egress within the public utility easement for public utility employees, contractors, and agents.

(b) Notwithstanding Subsection (3), a public utility shall restore or repair, at the expense of the public utility, any fence, grass, soil, shrubbery, bushes, flowers, other low level vegetation, sprinkler system, irrigation system, gravel, flat concrete, or asphalt damaged or displaced from the exercise of the easement rights described in Subsection (2)(a).

(3) Except as provided in Subsection (2)(b), if a property owner places improvements to land that interfere with the easement rights described in Subsection (2)(a), the property owner shall bear the risk of loss or damage to those improvements resulting from the exercise of the easement rights described in Subsection (2)(a).

(4) (a) Except as provided in Subsection (4)(b), a public utility easement is non-exclusive and may be used by more than one public utility.

(b) Notwithstanding Subsection (4)(a), a public utility may not:

(i) interfere with any facility of another public utility within the public utility easement; or

(ii) infringe on the legally required distances of separation between public utility facilities required by federal, state, or local law.

(5) A subdivision plat that includes a public utility easement may not be approved by a county or municipality unless the subdivider has provided the county or municipality proof that the subdivider has, as a courtesy, previously notified each public utility that is anticipated to provide service to the subdivision.

(6) A Person may not acquire, whether by adverse possession, prescription, acquiescence, or otherwise, any right, title, or interest in a public utility easement or protected utility easement that is adverse to or interferes with a public utility's full use of the easement for the purposes for which the easement was created.

(7) A gas corporation's, electric corporation's or telephone corporation's failure to possess, occupy, or use a protected utility easement does not diminish or extinguish any right that the gas corporation, electic corporation, or telephone corporation has under the easement.

(8) Nothing in this section may be construed to affect the right of a condemnor to condemn a public utility easement as provided by law.

B. 54-13-7. NATURAL GAS PIPELINE SAFETY MINIMUM DISTANCES FOR PLACEMENT OF STRUCTURES AND FACILITIES NEAR MAIN AND TRANSMISSION LINES.

(1) As used in this section:
  (a) "Main" has the meaning set forth in 49 C.F.R. Section 192.3.
  (b) "Minimum distance" means:
    (i) the width of a recorded easement when the width is described;
    (ii) 15 feet when the width of a recorded easement is undefined; or
    (iii) for any underground facility, it means an area measured one foot vertically and three feet horizontally from the outer surface of a main or transmission line.
  (c) "Transmission line" has the meaning set forth in 49 C.F.R. Section 192.3.
  (d) "Underground facility" has the meaning set forth in Section 54-8a-2.

(2) (a) After April 30, 1995, a building or structure requiring slab support or footings, or an underground facility may not be placed within the minimum distance of a main or transmission line.
  (b) Subsection (2)(a) does not apply if:
    (i) the building or structure is used for public or railroad transportation, natural gas pipeline purposes, or by a public utility subject to the jurisdiction or regulation of the Public Service Commission;

(ii) in order to receive natural gas service, the building or structure must be located within the minimum distance of the pipeline;

(iii) the owner or operator of the main or transmission line has been notified prior to construction or placement pursuant to Section 54-8a-4 and has given written permission; or

(iv) the commission by rule exempts such action from the provisions of Subsection (2)(a).

(3) (a) An owner or operator of a main or transmission line may obtain a mandatory injunction from a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, against any person who violates Subsection (2).

(b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, the owner or operator shall bring an action described in Subsection (3)(a) in the county in which the main or transmission line is located if the action is brought in the district court.

(4) The penalties specified in Title 54, Chapter 7, Hearings, Practice, and Procedure, do not apply to a violation of this section.

APPENDIX

Highlighted provisions of the 2024 amendments to Utah Code 54-8a include:

New "No Response Notice" Ticket Revision Type was established, with short code of "NRSP", and is used when a Facility Operator has not responded or marked within the appropriate time frame of the original locate request. If an Excavator is aware of or observes indications of a facility that was not marked in the work area covered by a current locate request, they are required to submit a NRSP notice to Blue Stakes before they can start digging and provide which facility operator(s) or facility type(s) have not responded or marked. Blue Stakes will only send the NRSP notice to those member facility operators / facility types indicated by the excavator. Facility Operators will be required to respond and/or mark their facilities within four (4) business hours of the NRSP notice. With the addition of this new NRSP ticket revision type, the 2nd Notice (2NDR) ticket revision type has been eliminated.

48-hours has been redefined to mean "a 48-hour period, occurring during business days that includes any day except Saturday, Sunday, or a holiday, that begins at 8:00 a.m. on the first business day after notice has been submitted." This provides additional time for the operator to complete their markings and will require the excavator to plan a little bit further in advance. This also diminishes the importance of what time of day a locate request is submitted to Blue Stakes, since every locate request submitted during the business day will be valid at 8 AM on the date it is legal.

Life of a Locate Request changed from 14 to 21 calendar days before it expires. All locate requests will now be valid for 21 days (instead of just 14). New locate requests will expire at 8 AM on the 21st day

after they are submitted. Update locate requests will extend for 21 days from when the locate request that is being updated expires.

Additional Terms now Defined in the Law:

Backfill – This is now defined to mean "soil or material that is approved for the soil or material's intended use and meets a project's plans and specifications."

Business hours – This is now defined to be the hours between 8 AM and 4 PM, Monday through Friday, excluding holidays, which is the same as Blue Stakes current operating hours.

Electronic Positive Response (EPR) system – Now defined and encouraged but remains a voluntary system.

Excavation notice – This remains very similar to how it was already contained in the law, but now defined as a term that can be utilized throughout this section as needed.

Holiday – This is now defined and is the same as the current and published Blue Stakes Holiday observations.

Mark – This remains very similar to how it was already contained in the law, but now defined as a term that can be utilized throughout this section as needed. Blue Stakes will be transitioning away from the usage of the term "Stake" in favor of using "Mark" universally.

Municipality – This is now defined to mean "the same as that term is defined in Section 10-1-104."

Tolerance zone – This remains very similar to how it was already contained in the law, but now defined as a term that can be utilized throughout this section as needed.

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BLUE STAKES OF UTAH 811

MISSION STATEMENT

"Our mission is to promote public safety, protect underground facilities, and minimize service interruptions by processing locate requests and providing damage prevention education. We accomplish this as the communications link between excavators and facility owners as the statewide one-call center in providing efficient and cost effective customer service."

APWA UNIFORM COLOR CODE

RED	Electric Power Lines, Cables, Conduit and Lighting Cables
YELLOW	Gas, Oil, Steam, Petroleum or Gaseous Materials
ORANGE	Communication, Alarm or Signal Lines, Cables or Conduit
BLUE	Potable Water
PURPLE	Reclaimed Water, Irrigation and Slurry Lines
GREEN	Sewers and Drain Lines
WHITE	Proposed Excavation
PINK	Temporary Survey Marking

Blue Stakes of UTAH 811
Bluestakes.org

www.bluestakes.org

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